

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of the City of Burlington for a Determination of the Adequacy of Warning Devices at the Grade Crossing of the Wisconsin Central Ltd. Tracks with STH 36 (Milwaukee Street) in the City of Burlington, Racine County

9164-RX-587

FINDINGS OF FACT AND ORDER

By letter dated January 10, 2005, the City of Burlington filed a petition with the Office of the Commissioner of Railroads (OCR) for a determination under §195.28, Stats., of the adequacy of warning devices at the grade crossing of the Wisconsin Central Ltd. (WCL) tracks with STH 36 (Milwaukee Street) in the City of Burlington, Racine County (Crossing No. 689 857T / MP 72.39).

Findings of Fact

THE COMMISSIONER FINDS:

STH 36 (Milwaukee Street) is 44' wide in the vicinity of the crossing and intersects the railroad tracks at an angle of 68° (left-hand forward). The roadway consists of 4 lanes, including two through northbound lanes and one through southbound lane and one right-turn-only southbound lane.

STH 36 (Milwaukee Street) intersects Commerce Street about 160' southwest of the crossing. The City proposes to install traffic signals at that intersection. The City proposes to interconnect the traffic signals with the crossing signals and to provide advance preemption of the traffic signals by train operations in order to clear southbound traffic from the crossing.

STH 36 (Milwaukee Street) carried an average daily traffic (ADT) of 15,800 in 2004 at a legal speed limit of 25 mph.

The WCL operates 35 through train movements per day over the crossing at a timetable speed of 35 mph. The WCL also operates 6 switch movements over the crossing at about 20 mph. The crossing consists of one mainline track.

The crossing is presently protected with cantilevered 12" incandescent automatic flashing lights with gates and constant warning time circuitry. The existing warning devices are adequate until the traffic signals are activated, except that 12" LED lamps need to be installed on the existing signal equipment. Before the traffic signals are activated the interconnection with advance preemption need to be installed to reduce the chances that a southbound vehicle will be trapped on the tracks when a train is approaching the crossing.

The order directs the railroad to provide adequate advance time for traffic signal preemption; however, it is the city's obligation to inform the railroad how much advance time is needed.

Conclusion on the Issue

THE COMMISSIONER CONCLUDES:

That in order to adequately protect and promote public safety, it is necessary to install and maintain 12-inch LED lamps and advance preemption circuitry on the existing crossing warning devices at the crossing of the tracks of the Wisconsin Central Ltd. with STH 36 (Milwaukee Street) in the City of Burlington, Racine County.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §195.28, Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

Order

THE COMMISSIONER ORDERS:

1. That the **Wisconsin Central Ltd.** shall install and maintain 12" LED lamps on the existing signal equipment and other appropriate appurtenances in accordance with such plans as are filed with and approved by the Office of the Commissioner of Railroads at the crossing of its tracks with STH 36 (Milwaukee Street) at-grade in the City of Burlington, Racine County by **November 1, 2006** (Crossing No. 689 857T / MP 72.39).

2. That the **Wisconsin Central Ltd.** shall install and maintain an interconnection that provides for the advance preemption of the traffic signals at STH 36 (Milwaukee Street) and Commerce Street. The City of Burlington shall determine the amount of advance preemption time that is needed. The interconnection with advance preemption shall be installed and operating before the traffic signals are activated.

3. That the **Wisconsin Central Ltd.** shall submit to the Office of the Commissioner of Railroads signal and circuit plans with the cost estimate of its proposed installation and upon completion of the signal project, a detailed statement of the actual cost to the Office and to the Wisconsin Department of Transportation.

4. That the signal installation work herein ordered shall not begin until the district office of the Wisconsin Department of Transportation informs the railroad that they may start such work and such start notice will not be issued until appropriate federal aid or other funding arrangements have been assured. The cost of the new project initiated before the start notice will not be reimbursed with public funds and shall be the responsibility of the railroad.

5. That the **Wisconsin Central Ltd.** shall bear no part of the cost of the crossing signals installation, except for any cost assessed to the railroad pursuant to §195.60, Stats., for the investigation of this matter by the Office. The railroad shall not pass on those assessment costs either directly or indirectly.

6. That if the petitioner, railroad or any interested party objects to this order and requests a hearing within 20 days of the date of this order in writing, the Office will hold a public hearing.

7. That jurisdiction is retained.

Dated at Madison, Wisconsin, (February 7, 2006).

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads

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